

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Reginald T. Gilbertbey
Plaintiff

v.

C.A. No. 05-69

UNITED STATES OF AMERICA, et al
Defendants

Plaintiff's Response to Court's
Order to show ~~cause~~ cause

Now Comes plaintiff, Reginald T. Gilbertbey
in explanation and cause in response to the Honorable
Susan Paradise Baxter, Chief U.S. Magistrate Judge, order
of 9th day of December, 2005.

1. Plaintiff received said order on 14 December 2005
at approximately 11:00am, from Unit BA Counselor,
Holt;
2. This order's mailing envelope is stamped and dated
as received by prison authorities, "Dec 13 '05 AM 9:26;
3. Plaintiff submits that prison authorities not tend-
ing this order in a timely manner is additional
evidence of corrupt surreptitious acts by said
authorities to frustrate and deny plaintiff access
to this court;

R.T. GILBERTBEY V. USA, et al
CA No. 05-69

4. Plaintiff did in fact forward the "Process Receipt and Return, form USM-285" indicating directions for service too the U.S. Marshals in the first week in October, 2005; which would have been approximately 6 October 2005 (Thursday evening through the general mail procedures in Special Housing Unit (SHU);
5. Plaintiff has complained to this honorable court about the nefarious conditions of SHU, as well as Federal Correctional Institution (FCI) McKean authorities' retaliation, reprisals, and unwarranted denials of basic provisions in order to pursue this complaint, i.e. copies, stationary, writing implements, etc., et cetera;
6. Plaintiff has ample reason to fear that authorities will continue vindictively to exact increased persecution and retaliations if authorities are ask to copy all documents, i.e. "Process Receipt and Return, form USM-285", hand written complaints, et. cetera, etc.;
7. Plaintiff however did make by hand copies of all court, legal documents which have been written out including the U.S. Marshal Service documents;

R.T. GILBERTBEY v. USA, et.al
CA No. 05-69

8. HOWEVER on October 7, 2005 all hand written documents aforementioned were stolen by prison authorities in collusion with the conspiratorial acts of retaliation and denial of court access, please see Exhibits: 1 and 2;
9. In conjunction with plaintiff's initial complaint concerning the theft of said documents, plaintiff tenders Exhibits: 3-5; which to this date remains unresolved. Although Exhibit-5 clearly states that plaintiff should have received a response yesterday;
10. Plaintiff has specifically filed a complaint to this honorable court about BOP Correctional Officer, Franklin, as well as Lieutenant Barbara Roy; Officers Beimel and Ezzolo; concerning said authorities tampering with and denying access too forwarding mail to this court;
11. Plaintiff has also filed another motion/Complaint seeking injunctive relief between March and May 2005, which this honorable court has not acknowledged receipt of to date;
12. In August 2005 according to the docket sheet

R.T. GILBERTBEY v. USA, et. al.
CA. NO. 05-69

of 12/12/2005 connotes a "Amended Complaint" entered however plaintiff has no recollection of filing any actions after May, 2005;

13. Plaintiff has yet to understand how his motion tender to the court in March 2005 was forwarded to Pittsburgh, Pennsylvania, as the Honorable Judge Baxter, Chief Magistrate referenced to in the hearing of October 5, 2005;
14. In evidence of plaintiff claim regarding the intense on-going vindictiveness and retaliation currently being suffered, please see Exhibits - 6, 7, and 8. BOP Inmate Services Manager (ISM)/Property and Mail Rooms Immediate Supervisor, Penny Sundgren continues to exact reprisals against plaintiff. ISM, Penny Sundgren is in fact the authority who personally illicitly confiscated and destroyed plaintiff's legal documents, and was conspiratorially involved in the theft of other legal property which is the principle crux of this complaint before this honorable court;
15. Plaintiff legitimately believes that the recently illegally confiscated property will be destroyed and/or stolen, as a result of the uninhibited

RT. GILBERT BEY v. USA, et. al.
CA No.: 05-69

corruption and retaliation of authorities
at this prison;

16. Plaintiff further fears that all other exhibits not forwarded at this time and personal property will be destroyed by prison authorities who have dominion and control currently over such;
17. Due to the fact that (as denoted in Exhibits 6, 7, and 8; and in development of the specific complaint before this court) no mandated inventories, confiscation forms, investigation forms, et cetera, etc are being engendered;
18. Also due to the anticipated transfer from this prison on or about 16th December 2005;
19. Plaintiff reasonably that authorities will withhold plaintiff's legal property, steal, destroy, and confiscate maliciously and in retaliation said property;
20. As well as intentionally withhold plaintiff's property for SEVERAL WEEKS, which could result in frustrating, and denying the furtherance of this complaint; all in conspiratory retaliation for the filing of this complaint;

RT. GILBERT BEY V. USA, et al.

CA No. : 05-69

21. Additionally, please see Exhibit - 9 presently prevailing overpowering, debilitating, excruciating head pains, which plaintiff believes authorities are deliberately not appropriately treating in reprisal to this complaint;
22. Plaintiff additionally tenders as evidence of authorities' surreptitiously malicious intent to deny plaintiff access to the court and a opportunity for the court to consider the nefarious abuses ~~made~~ rapid at JCD McKean, please see Exhibits: 12, 11 and 10;
23. Unit Manager, Deanna M. Tronetti on November 23, 2005 was handed, through another authority (Because very often she will be in SHU on the range, near plaintiff's cell and refuse to address any needs or other concerns of prisoners, including plaintiff) exhibits: 10 and 11 in a required stamped (postage) and addressed envelope to the Clerk of this honorable court;
24. Unit Manager, Deanna M. Tronetti is a seasoned veteran supervisor of the BOP, who's signature on Exhibit - 12 in the bottom left-hand corner as "Approving Official" in fact acknowledge her explicitly clear responsibility (with Exhibit - 11)

To turn this form into the accounting/Inmate Trust Fund authorities for processing;

25. However Unit Manager, Deanna M. Tronetti deliberately and intentionally did not follow mandated procedures. She is aware that she is also culpable in the complaint before this court, and in conspiracy with other FCI McKeon authorities acted to further frustrate and deny this plaintiff access to the court's;
26. Lord willing, this honorable court will compassionately and judiciously consider all of the aforementioned, and not dismiss this plaintiff's meritorious claims regarding the permanent physical, property, and consequently psychological injuries currently suffered;
27. Plaintiff is not only suffered permanent injury, and loss as denoted; additionally as additional consequence of all stolen and destroyed legal documents, plaintiff is potentially at risk of losing access to the federal criminal courts regarding his 30 year, non-violent drug conviction based on time limits and time bars under the AEDPA statute of limitations regarding recent U.S. Supreme Court rulings which are

A.T. GILBERTBEY v. USA, et al.

CA No.: 05-69

in fact favorable to plaintiff; however due to the loss of said legal property plaintiff can not effectively raise and file his issues;

28. Plaintiff suffering multifariously overwhelming handicap as a layman prose litigant, under retaliation and wrath of the BOP authorities, plaintiff pleads with this court to allow this complaint to continue, and again re-file the necessary documents to the U.S. Marshals Service;
29. Furthermore, plaintiff request immediate injunctive relief by ordering that all property currently confiscated and held be immediately shipped and specifically delivered to plaintiff as soon as possible;
30. Additionally, plaintiff seeks some form of injunctive relief in order to be able to obtain copies of all documents tendered to this court. Plaintiff cannot afford at this time the copy cost of fifty-cents per-page;
31. Plaintiff, finally hereby notifies the court that he will provide a address change to the court as soon as possible, if he is transferred by receipt of this response;

R.T. GILBERTBEY v. USA, et. al
CA No.: 05-69

Further Plaintiff sayeth not.
 15 DECEMBER 2005 Reginald J. GilbertBey

I, REGINALD JHADDEUS GILBERTBEY do hereby
 SWEAR under the penalty ~~and~~ of perjury title 28 USC
 § 1746 that all of the aforementioned is true and cor-
 rect to the best of my knowledge.

Certificate of Service

I, REGINALD JHADDEUS GILBERTBEY have hereby
 forwarded this 9 page document, including 17 pages of
 exhibits, through the U.S. Postal Service, first class
 in a legal envelope. By tendering said documents to
 BOP authorities in SHU on the 15th day of Thursday,
 DECEMBER 2005, to the United States District
 Court for the Western District of Pennsylvania,
~~17 South Park Row, Room A280, Erie, Penn-~~
 sylvania 16501.

Date: 15 DECEMBER 2005

Reginald J. GilbertBey

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Honorable Clerk of the Court
U.S. District Court
Western District of Pennsylvania
17 South Park Row, Room A280
Erie, Pennsylvania 16501

CA. No. 05-69

15 DECEMBER 2005

RE: Enclosure "Plaintiff's Response to Court's Order
to show cause"; with exhibits; Notice of address change:

Dear Clerk:

Please, find ~~in~~ enclosed Response to the Honorable Chief Magistrate Judge, Susan Paradise Baxter of 9th day of December, 2005. Please, file this and docket such.

Also, please hereby accept notice that I am immediately pending a transfer from this prison, and will notify this honorable as soon as I can of my new address.

In advance, thank you very much for the courtesy copy of a current docket sheet.

May the Lord bless you with a safe
and fulfilling holiday season.

Respectfully,
Reginald T. Gilbert Bey
REGINALD T. GILBERT BEY
Reg. No. 03854-078
Federal Correctional Institution
P.O. Box 8000
Bradford, Pa. 16701-0980

CR/RTGB